

REMARKS

The Office Action mailed November 22, 2004, has been received and its contents carefully noted. The Examiner has made a restriction requirement requiring election between claims of:

Species 1, Figures 1A-1D, 2, 3A, 3B:	Species 8, Figures 16A-16C;
Species 2, Figures 4, 5A, 5B, 6-8	Species 9, Figures 17A, 17B;
Species 3, Figures 9A, 9C;	Species 10, Figures 18A-18D;
Species 4, Figure 10;	Species 11, Figures 19A, 19B;
Species 5, Figure 11;	Species 12, Figures 20A, 20B;
Species 6, Figures 12A-12E, 13A-13D, 21A-21C;	Species 13, See * below;

* Not shown in the Figures, but taught in the Specification from line 21 of page 32 through line 14 of page 35.

In response to this requirement, Applicants hereby elect with traverse, Species I, which reads on at least claims 1-18. Moreover, Applicants respectfully submit that the Examiner's restriction is materially deficient.

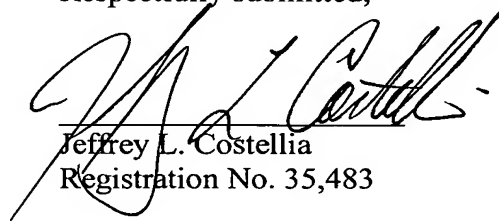
Applicants respectfully traverse the Restriction Requirement as being outside the boundaries established in MPEP §§ 806.04(e) and 806.04(f). First, the Restriction Requirement appears to be based solely on a finding that the different inventions are patentably distinct, without any evaluation whatsoever made with respect to whether or not the inventions are "specifically different embodiments" as required in MPEP § 806.04(e). Furthermore, the outstanding Restriction Requirement fails to provide any basis for finding that the restricted claims are mutually exclusive as required by MPEP § 806.04(f). Indeed, merely finding that claims are patentably distinct does not provide a basis for requiring an election of inventions, since if that were the case every dependent claim ever submitted in an application would be properly the subject of a Restriction Requirement, which of course is not the case.

In light of the deficiencies above-identified in the outstanding Restriction Requirement, it is respectfully submitted that certainly claims 19-33 are not properly established as being directed to different mutually exclusive inventions, and at the very least it is respectfully submitted that these claims should be examined in the present

application consistent with the present Provisional Election. Further, it is respectfully submitted that it would not be unduly burdensome for the remaining claims also to be examined in the present application.

Accordingly, in view of the present election, and in view of the arguments in traversal of the outstanding Restriction Requirement, examination on the merits of each of the pending claims is believed to be in order, and an early and favorable action is respectfully requested.

Respectfully submitted,



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